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7. Denied.
8. Denied.
9. It is admitted that Plaintiff filed a Charge of Discrimination with the EEOC on October 19, 2004. The remainder of this paragraph is denied.
10. Denied.
11. Any assertion made by Plaintiff in his Complaint not expressly addressed above is denied.

AFFIRMATIVE DEFENSES

Defendant further responds to the claims made by Plaintiff by pleading the following in its defense.

1. Plaintiff has not suffered an adverse employment action.
2. This Court lacks jurisdiction to hear any claim by Plaintiff not first timely asserted in the underlying EEOC Charge of Discrimination.
3. The Defendant is a subdivision of the State of Tennessee. A lawsuit filed against a subdivision of the State is one and the same as a suit against the State. The State may assert any common law or statutory defenses available to any state officers or employees regarding any of their acts or omissions which constitute the grounds of any alleged cause of action.
4. Defendant had legitimate, non-discriminatory reasons for every employment action and decision it made regarding Plaintiff.

Respectfully submitted,

PAUL G. SUMMERS
ATTORNEY GENERAL AND REPORTER

s/ Zachary S. Griffith

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CERTIFICATE OF SERVICE

I hereby certify that on **November 17, 2005**, a copy of this document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt as follows: **James L. Harris**, Plaintiff's counsel.* All other parties will be served by regular U.S. Mail.** Parties may access this filing through the Court's electronic filing system.

s/ Zachary S. Griffith

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*On the same date, a courtesy hard copy was mailed regular U.S. Mail to the following:

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Counsel for Plaintiff

**The only parties are Plaintiff Wayne E. Sadler and Defendant Tennessee Board of Regents.